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Paper 8

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OFFICE OF PETITIONS

In re Application of :
Horne : DECISION ON PETITION
Application No. 10/057,983 :
Filed: 29 January, 2002 :
Attorney Docket No. 82001-0297 :

This is a decision on the renewed petition filed on 14 November, 2002, under 37 C.F.R. §1.47(b)¹ because the case is a matter in which no inventor signs the oath or declaration since the sole inventor could not be found or refused to sign.

The petition under 37 C.F.R. §1.47(b) is **DISMISSED as moot** upon the signing of the oath/declaration by the previously unavailable inventor.

This application is forwarded to Technology Center 2100 for the file bibliography to be updated to reflect the filing of the executed oaths/declarations and then for further processing in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-9199.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ The regulations at 37 C.F.R. §1.47, in pertinent part:
§1.47 Correction of inventorship in a patent application, other than a reissue application.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §17(l), and the last known address of all of the inventors. The Office shall, except in a continued prosecution application under §1.53(d), forward notice of the filing of the application to all of the inventors at the addresses stated in the application and publish notice of the filing of the application in the *Official Gazette*. An inventor may subsequently join in the application on filing an oath or declaration complying with §1.63.